

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIA DEL TORO-CHACON,

Petitioner,

v.

MICHAEL CHERTOFF, *et al.*,

Respondents.

CASE NO. C05-1861RSL-MJB

ORDER GRANTING
PETITIONER'S MOTION FOR
PRELIMINARY INJUNCTION

The Court, having reviewed the habeas corpus petition, the motion for preliminary injunction, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and any objections or responses thereto, and the remaining record, finds and Orders as follows:

- (1) The Court adopts the Report and Recommendation;
- (2) The motion for preliminary injunction (Dkt. #2) is GRANTED;
- (3) This matter is REMANDED to the Seattle Immigration Court for the purpose of providing petitioner with an individualized bond hearing within 10 days of the date of this Order. The Immigration Judge is to determine whether and under what conditions petitioner may be released from custody pending petitioner's Petition for Review in the Ninth Circuit;
- (4) If bond is set by the Immigration Judge, respondents shall promptly release petitioner upon tender of the bond amount;
- (5) Having hereby granted the alternative relief sought by petitioner in her

01 Petition for Writ of Habeas Corpus, the Clerk of Court is directed to enter judgment in
02 this matter.

03 (6) The Clerk shall send a copy of this Order to all counsel of record and to
04 the Honorable Monica J. Benton.

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06 DATED this 5th day of May, 2006.

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09 Robert S. Lasnik
10 United States District Judge
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